

By Senator Sobel

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1                                   A bill to be entitled  
2           An act relating to public school safety; providing a  
3           short title; authorizing each county to create an  
4           independent special district by ordinance to provide  
5           funding for public school security and mental health  
6           services; requiring elector approval to annually levy  
7           ad valorem taxes; requiring the district to comply  
8           with statutory requirements related to levying and  
9           fixing millage and filing financial or compliance  
10          reports; providing for the dissolution of the  
11          district; requiring the governing body of the county  
12          to periodically submit to the electorate the question  
13          of retention or dissolution of the district; creating  
14          a governing council for the district; basing the size  
15          of the council on the population of the county;  
16          specifying criteria for council membership; providing  
17          terms of office; requiring the council to appoint a  
18          chair and vice chair and elect other officers;  
19          providing procedures for filling a vacancy on the  
20          council; requiring council members to serve without  
21          compensation; requiring members to follow certain  
22          financial disclosure, noticing, and reporting  
23          procedures; specifying the powers and functions of the  
24          council; authorizing two or more districts to enter  
25          into cooperative agreements; requiring the district to  
26          provide an annual report to the school board and  
27          county governing body; providing for the content of  
28          the report; requiring the council to prepare a  
29          tentative annual budget and compute a millage rate to

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30 fund the district; requiring that all tax moneys  
31 collected be paid directly to the council by the  
32 county tax collector and be deposited in qualified  
33 public depositories; requiring certain members to file  
34 a surety bond; specifying expenditures of funds;  
35 requiring the council to prepare and file quarterly  
36 financial reports with the county governing body;  
37 prohibiting the council from requiring certain  
38 matching funds; providing that all district financial  
39 records be subject to audit; providing legislative  
40 intent with respect to the use of funds collected by  
41 the council; providing an effective date.

42  
43 Be It Enacted by the Legislature of the State of Florida:

44  
45 Section 1. This act may be cited as the "School Safety  
46 Act."

47 Section 2. School Safety Act.-

48 (1) SPECIAL DISTRICT.-Each county may, by ordinance, create  
49 an independent special district, as defined in s. 189.403,  
50 Florida Statutes, to provide countywide school security and  
51 mental health referral services. The boundaries of such district  
52 must be coterminous with the boundaries of the county.

53 (a) Upon adoption of the ordinance creating the district,  
54 the governing body of the county enacting the ordinance shall  
55 place on the ballot the question of levying ad valorem taxes at  
56 a rate of up to 0.5 mills of assessed valuation of all  
57 properties subject to ad valorem taxes within the county, which  
58 shall be used to fund the district. The tax must be approved by

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59 a majority of the electors of the county voting in a referendum  
60 held for such purpose. The ballot for the referendum must  
61 conform to s. 101.161, Florida Statutes.

62 (b) A district created under this section shall:

63 1. Levy and fix millage as provided in s. 200.065, Florida  
64 Statutes.

65 2. Maintain the same fiscal year as the county.

66 3. Comply with all other statutory requirements of general  
67 application which relate to the filing of any financial or  
68 compliance reports required under part III of chapter 218,  
69 Florida Statutes, or any other report or documentation required  
70 by law, including the requirements of ss. 189.415, 189.417, and  
71 189.418, Florida Statutes.

72 (c) The district may be dissolved by special act of the  
73 Legislature, or the county governing body may, by ordinance,  
74 dissolve the district subject to approval by a majority of the  
75 electors in the county voting on the issue. The district may  
76 also be dissolved pursuant to s. 189.4042, Florida Statutes.  
77 Before dissolving the district, the county shall obligate itself  
78 to assume the debts, liabilities, contracts, and outstanding  
79 obligations of the district within the total millage available  
80 to the county for all county and municipal purposes as provided  
81 under s. 9, Article VII of the State Constitution.

82 (d) A referendum by the electorate creating the district  
83 may specify that the district is not subject to reauthorization  
84 or may specify the number of years the initial authorization  
85 remains effective. If the referendum does not prescribe terms of  
86 reauthorization, the governing body of the county shall submit  
87 the question of retention or dissolution to the electorate in

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88 the general election 12 years after the initial authorization.

89 1. The district council may specify, and submit to the  
90 governing body of the county within 9 months before the  
91 scheduled election, that the district is not subject to  
92 reauthorization or may specify the number of years for which  
93 reauthorization remains effective. If the district council makes  
94 such specification and submission, the governing body of the  
95 county shall include that information in the question submitted  
96 to the electorate. If the district council does not specify and  
97 submit such information, the governing body of the county shall  
98 resubmit the question of reauthorization to the electorate every  
99 12 years after the prior authorization. The district council may  
100 recommend to the governing body of the county language for the  
101 question submitted to the electorate.

102 2. This paragraph does not preclude the district council  
103 from requesting that the governing body of the county submit the  
104 question of retention or dissolution of a district with voter-  
105 approved taxing authority to the electorate at an earlier date.

106 3. This paragraph does not limit authority to dissolve a  
107 district as provided under paragraph (c).

108 (e) This section does not prohibit a county from exercising  
109 such power as is provided by general or special law to provide  
110 or fund safety services for public schools.

111 (2) COUNCIL MEMBERSHIP.—

112 (a) If the county has a population of fewer than 100,000  
113 according to the latest state census, the district shall be  
114 governed by a 7-member council consisting of:

115 1. Two members who are county commissioners, appointed by  
116 the board of county commissioners.

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117 2. Two members who are school board members, appointed by  
118 the county school board.

119 3. One member, who is an elected member of the governing  
120 body of the largest municipality within the county, appointed by  
121 the mayor of the municipality.

122 4. Two elected members of the county legislative  
123 delegation, appointed by the chair of the delegation with the  
124 assent of the delegation. Such members must be state senators or  
125 state representatives in districts in which 50 percent or more  
126 of the district lies within the county. Such members shall be ex  
127 officio members and shall participate in all council matters but  
128 may not vote on any binding resolution, motion, or matter that  
129 relates to levying ad valorem taxation or assessments that may  
130 be considered by the council.

131 (b) If the county has a population of 100,000 but fewer  
132 than 600,000 according to the last state census, the district  
133 shall be governed by a 9-member council consisting of:

134 1. Three members who are county commissioners, appointed by  
135 the board of county commissioners.

136 2. Three members who are school board members, appointed by  
137 the county school board.

138 3. One member, who is an elected member of the governing  
139 body of the largest municipality within the county who shall be  
140 appointed by the mayor of the municipality.

141 4. Two elected members of the county legislative  
142 delegation, appointed by the chair of the delegation with the  
143 assent of the delegation. Such members must be state senators or  
144 state representatives in districts in which 50 percent or more  
145 of the district lies within the county. Such members shall be ex

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146 officio members and shall participate in all council matters but  
147 may not vote on any binding resolution, motion, or matter that  
148 relates to levying ad valorem taxation or assessments that may  
149 be considered by the council.

150 (c) If the county has a population equal to or greater than  
151 600,000 according to the last state census, the district shall  
152 be governed by an 11-member council consisting of:

153 1. Three members who are county commissioners, appointed by  
154 the board of county commissioners.

155 2. Three members who are school board members, appointed by  
156 the county school board.

157 3. Three members, who are elected members of the governing  
158 body of the three municipalities within the county who shall be  
159 appointed by the county League of Cities, or any similar  
160 successor organization.

161 4. Two elected members of the county legislative  
162 delegation, appointed by the chair of the delegation with the  
163 assent of the delegation. Such members must be state senators or  
164 state representatives in districts in which 50 percent or more  
165 of the district lies within the county. Such members shall be ex  
166 officio members and shall participate in all council matters but  
167 may not vote on any binding resolution, motion, or matter that  
168 relates to levying ad valorem taxation or assessments that may  
169 be considered by the council.

170 (d) The members shall be appointed to 4-year terms and may  
171 be reappointed for one additional term of office. The length of  
172 the terms of the initial appointees shall be adjusted to stagger  
173 the terms.

174 (e) Immediately after appointment, the members shall elect

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175 a chair and vice chair from among its members and elect other  
176 officers as deemed necessary by the council.

177 (f) If any council member resigns, dies, or is removed from  
178 office for cause, the vacancy shall be filled using the same  
179 method as the original appointment, and the new member shall be  
180 appointed for the remainder of the unexpired term.

181 (g) Members of the council shall serve without  
182 compensation, but are entitled to reimbursement for per diem and  
183 travel expenses in accordance with s. 112.061, Florida Statutes.

184 (h) The applicable financial disclosure, noticing, and  
185 reporting requirements of the council are those of their  
186 respective elected offices. The applicable financial disclosure,  
187 noticing, and reporting requirements of other officers and  
188 employees shall be the same as corresponding municipal  
189 positions.

190 (3) COUNCIL DUTIES.—

191 (a) The council shall:

192 1. Make and adopt bylaws and rules for the council's  
193 guidance, operation, governance, and maintenance. Such rules  
194 must be consistent with federal or state laws or county  
195 ordinances.

196 2. Arrange for and provide training and orientation to all  
197 new members sufficient to allow them to perform their duties.

198 3. Immediately after the members are appointed and the  
199 officers are elected, identify and assess the security and  
200 mental health referral needs of all schools served by the school  
201 board. This includes, but is not limited to:

202 a. Collecting information and statistical data that will be  
203 helpful to the council in determining the needs of security and

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204 mental health referral services within schools operated by the  
205 school board.

206 b. Determining the manner in which the council will seek  
207 and provide funding for needs.

208 c. Developing a strategy that will be used for interagency  
209 coordination to maximize existing human and fiscal resources.

210 4. Consult with other agencies providing security and  
211 mental health referral services to schools operated by the  
212 school board.

213 5. Seek grants from state, federal, and local agencies and  
214 accept donations of moneys or properties from public and private  
215 sources.

216 6. Lease or buy such real estate, equipment, and personal  
217 property and construct such buildings as are needed to execute  
218 the foregoing powers and duties. Purchases or building may not  
219 be done except with funds on hand or secured by funds deposited  
220 in financial institutions. This section does not authorize  
221 issuance of bonds of any nature.

222 7. Sell or dispose of property or properties owned by the  
223 district for fair market value.

224 8. Maintain minutes of each meeting, including a record of  
225 all votes cast, and make the minutes available to any interested  
226 person.

227 9. Employ, pay, and provide benefits for any part-time or  
228 full-time personnel needed to carry out the powers, functions,  
229 and duties of the district.

230 10. Have all powers necessary and expedient to carry out  
231 the duties and functions described in this section.

232 (b) The council may:



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233 1. Collect information and statistical data and conduct  
234 research and assessments that are helpful to the council and the  
235 county in determining the safety needs of county schools and  
236 students.

237 2. Consult and coordinate with other agencies providing  
238 mental health services in order to prevent the duplication of  
239 services.

240 3. Provide and maintain in the county the services which  
241 the council determines are needed for the safety of the schools  
242 and students, which may include:

243 a. Providing funding for all necessary school security for  
244 all schools operated directly by the school board.

245 b. Providing mental health referral services for all  
246 students and staff within schools operated by the school board.

247 c. Allocating and providing funds to other agencies that  
248 provide services.

249 (c) Two or more districts may enter into a cooperative  
250 agreement to:

251 1. Share administrative costs, including staff and office  
252 space if a more efficient or effective operation will result.  
253 The cooperative agreement must include provisions for  
254 apportioning costs between the districts, keeping separate and  
255 distinct financial records for each district, and resolving any  
256 conflicts that might arise under the agreement.

257 2. Seek grants, accept donations, or jointly fund programs  
258 serving multicounty areas. The cooperative agreement must  
259 include provisions for the adequate accounting of separate and  
260 joint funds.

261 (4) ANNUAL REPORT.—The district shall provide an annual

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262 written report, to be presented by January 1, to the school  
263 board and the board of county commissioners. At a minimum, the  
264 report must include:

265 (a) Detailed information on the various activities,  
266 programs, and services available to schools, staff, and students  
267 and the degree to which the programs, services, and activities  
268 have been successfully used.

269 (b) Information on the effectiveness of programs, services,  
270 and activities offered by the district, including cost  
271 effectiveness.

272 (c) A detailed anticipated budget for continuation of  
273 programs, services, or activities offered by the district, and a  
274 list of all sources of funding, both public and private.

275 (d) Procedures for identification of at-risk school  
276 children or staff who need additional or continued mental health  
277 services and methods for ensuring that the additional or  
278 continued services are received.

279 (e) Information on programs, services, and activities that  
280 should be eliminated; programs, services, and activities that  
281 should be continued; and programs, services, and activities that  
282 should be added to the district's basic format.

283 (f) A description of the degree to which the district's  
284 objectives and activities are consistent with the goals of this  
285 section.

286 (5) DISTRICT BUDGET AND FINANCIAL MATTERS.-

287 (a) On or before July 1 of each year, the council shall,  
288 pursuant to s. 189.418, Florida Statutes, prepare a tentative  
289 annual budget of the district's expected income and  
290 expenditures, including a contingency fund. In addition, the

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291 council shall compute a proposed millage rate of up to 0.5 mills  
292 of assessed value, as necessary to fund the tentative budget.  
293 The council must comply with s. 200.065, Florida Statutes.

294 (b) After the district's budget is certified and delivered  
295 to the county governing body, the budget may not be changed or  
296 modified by the governing body or any other authority.

297 (c) As soon after collection as is reasonably practicable,  
298 all taxes collected under this section shall be paid directly to  
299 the district by the county's revenue-collection entity.

300 (d) All moneys received by the district shall be deposited  
301 into qualified public depositories, as defined in s. 280.02,  
302 Florida Statutes, with separate and distinguishable accounts  
303 established specifically for the district, and may be withdrawn  
304 only by checks signed by the chair of the council and  
305 countersigned by one other council member or by a chief  
306 executive officer authorized by the council.

307 1. Upon taking office, the chair and the other member of  
308 the council or chief executive officer authorized to sign checks  
309 shall each file a surety bond in the sum of at least \$1,000 for  
310 each \$1 million, or portion of such amount, of the district's  
311 annual budget, which shall be conditioned upon the faithful  
312 discharge of the duties of his or her office. The premium on  
313 such bond may be paid by the district as part of the expenses of  
314 the council. Other members of the council are not required to  
315 give bond or other security.

316 2. Funds of the district may not be expended except by  
317 check, except for expenditures of up to \$100, which may be made  
318 from a petty cash account. All expenditures from petty cash must  
319 be recorded on the books and records of the council. District

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320 funds, except expenditures from petty cash, may not be expended  
321 without prior approval of the council, in addition to the  
322 budgeting of such funds.

323 (e) Within 10 business days after the expiration of each  
324 annual quarter, the council shall prepare and file with the  
325 county governing body a financial report that includes:

- 326 1. The council's total expenditures for the quarter.  
327 2. The council's total receipts during the quarter.  
328 3. A statement of the funds the council has on hand, has  
329 invested, or has deposited at the end of the quarter.  
330 4. The council's total administrative costs for the  
331 quarter.

332 (f) The council may not require any service provider to  
333 provide additional matching funds as a condition of providing  
334 district services or programs to schools and students.

335 (g) All financial records and accounts relating to the  
336 district shall be available for audit by state auditors as they  
337 are assigned from time to time to audit the affairs of the  
338 county. If no annual audit of the district is conducted by the  
339 state, the council shall cause an independent audit of the  
340 district to be conducted.

341 (h) It is the intent of the Legislature that the funds  
342 collected pursuant to this section be used to support  
343 improvements in services for county schools and students and  
344 that such funds not be used as a substitute for existing  
345 resources or for resources that would otherwise be available for  
346 such services.

347 Section 3. This act shall take effect July 1, 2013.